IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE V.V.S.RAO
WRIT PETITION NO : 23989 of 2002

Between:

N.Jagga Reddy S/o.Malla Reddy, Occ: Business,
C/o.Saibaba Tourist and Services, Sikhwadi, Karimnagar
..... PETITIONER

AND

1 The District Panchayat Officer
Karimnagar
2 The Mandal Revenue Officer, Manthani
Karimnagar District
3 The District Level Committee, Rep. by its Convenor
Karimnagar

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Writs, order or direction to respondents declaring condition 8(IV) issued in Form G(1) in terms and conditions of lease vide proceedings c/267/2002, dt.11-11-2002 as illegal, arbitrary and un-constitutional.

Counsel for the Petitioner:MR.B.VIJAYSEN REDDY

Counsel for the Respondents: THE ADDL. ADVOCATE GENERAL

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.23989 OF 2002

ORDER:

Pursuant to notification dt.1.7.2002 issued by third respondent, petitioner herein participated in open auction to lease out right to quarry sand at Siripuram Village sand reach. Petitioner became highest bidder and by proceedings dt.11.11.2002 he was permitted to quarry sand for a period of one year from 11.11.2002 to 10.11.2003, though the petitioner alleges that the lease is for a period of two years upto 10.11.2004. According to the petitioner, the lease was renewed for another period of one year subject to enhancement of 10% of lease amount. As per condition No.8(IV) of the terms and conditions, the petitioner is not permitted to remove the sand by using proclainers. The petitioner impugns the said condition in this Writ Petition being arbitrary and illegal.

When petitioner participated in the auction, the auction was held subject to various conditions of lease. Therefore, petitioner cannot have any grievance if he not permitted to quarry sand with proclainers. Further, this Court does not find any arbitrariness because as per the conditions of lease, he cannot dig beyond 200 mts. from the surface and therefore, if the proclainers are allowed to be used, the same would likely to result in depletion of in the riverbeds. Further, as per the proceedings dt.11.11.2002 issued by the Mandal Revenue Officer, the lease expired on 10.11.2003. Therefore, nothing survives in the Writ Petition.

The Writ Petition is accordingly dismissed as infructuous. No costs.

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(V.V.S.RAO, J)

8.9.2004

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To

1 The District Panchayat Officer
Karimnagar

2 The Mandal Revenue Officer, Manthani
Karimnagar District

3 The Convenor, District Level Committee,
Karimnagar

4 2 CCs to the Advocate General, High Court Bldgs., Hyderabad
(OUT)

5 2 CD copies.